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AMEND Senate Bill No. 1707*

House Bill No. 1810

by deleting in the amendatory language of Senate Judiciary Committee Amendment No. 1 the language "service provider" in § 36-5-1107(d) of SECTION 1 and by substituting instead the word "employee".

AND FURTHER AMEND the language in § 36-5-3003(8) of SECTION 5 of the amendatory language of Senate Judiciary Committee Amendment No. 1 the following language immediately after the language "transferor court":

or the department in Title IV-D child support cases

AND FURTHER AMEND § 36-5-3004(a)(3)(A) of SECTION 5 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following language after the first sentence:

The department shall mail the notice in Title IV-D child support cases.

AND FURTHER AMEND § 36-5-3103(a)(4) of SECTION 6 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following language immediately after the language "registering court":

or the department in Title IV-D child support cases

AND FURTHER AMEND § 36-5-3103(a)(4)(D) of SECTION 6 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting the word "of" at the beginning of subdivision (4)(D).

AND FURTHER AMEND § 36-5-3105 of SECTION 6 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language "or the department in Title IV-D child support cases" immediately after the language "registering court".

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AND FURTHER AMEND subdivision (a)(6) of SECTION 10 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting the language “and only” in the second sentence and by substituting instead the language “or only”.

AND FURTHER AMEND subdivision (a)(2)(E) of SECTION 10 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “child support” immediately preceding the language “payment records”.

AND FURTHER AMEND subdivision (a)(2)(F) of SECTION 10 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivision (a)(2)(F) in its entirety and by substituting instead the following language:

(F) Inquiries from legislative representatives of an obligor or obligee concerning child support payment records or child support legal and administrative procedures utilized to attempt recovery of support payments involved in individual cases under a support order upon a release for that person authorized by the affected person. An inquiry and release by one party under this subdivision does not authorize release of information involving the other party other than the child support payment record and child support legal or administrative procedures utilized to attempt recovery of support payments from the other party. Nothing in this subdivision shall be construed to authorize release of any information which is otherwise protected as confidential pursuant to this section.

AND FURTHER AMEND § 36-5-806 of SECTION 11 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting the numbers and language “36-5-802 and

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36-5-803” and by substituting instead the numbers and language “36-5-802, 36-5-803 and 36-5-804”.

AND FURTHER AMEND in § 36-5-814(4) of SECTION 11 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by inserting the language and punctuation “securities broker/dealer,” immediately following the language and punctuation “mutual fund,”.

AND FURTHER AMEND § 36-5-901(b)(1) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “or filed, as appropriate” after the language “recorded” in the first sentence.

AND FURTHER AMEND § 36-5-901(b)(3)(A) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “or recorded” after the word “filed” in the first sentence.

AND FURTHER AMEND § 36-5-901(b)(3)(A) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following language at the end of the subdivision:

The cost for provision of the computer terminal arrangement, if used pursuant to this subdivision, shall be paid by the department of human services.

AND FURTHER AMEND § 36-5-901(c)(1) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “ and special assessments upon real estate by county and municipal governments” after the word “taxes” and before the semicolon (;).

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AND FURTHER AMEND in § 36-5-901(c) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by inserting between subdivisions (4) and (5) the following new subdivisions and by renumbering succeeding subdivisions accordingly:

(5) The lien or security interest of a financial institution against an obligor's interest in a deposit account at that institution for any indebtedness to the institution, including but not limited to, that institution's security interest in accounts pledged for loans, its rights under the Uniform Commercial Code or by contract to charge back uncollected deposits, revoke settlements or take other action against said account, its right to recover overdrafts and fees, and its right of offset for mature indebtedness;

(6) Other security interests in deposit accounts at a financial institution when such interests are reflected in the records of that financial institution prior to the receipt of an administrative order of seizure;

(7) Other liens recorded prior to the recordation of the department's lien, or concerning which a judicial proceeding was initiated prior to recordation of the department's lien.

AND FURTHER AMEND § 36-5-901(d) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by designating the current language as subdivision (1) and by adding the following as new subdivisions:

(2) No lien for child support arrearages shall be perfected against a motor vehicle unless such lien is physically noted on the certificate of title of such motor vehicle.

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(3) Nothing in this act shall be deemed to give the department any priority over any possessory lien including, but not limited to mechanics' and materialmen's liens pursuant to title 66, chapter 11, part 1; artisans' liens pursuant to title 66, chapter 14, part 1; or garagekeepers' and towing firm liens pursuant to title 66, chapter 19, part 1. AND FURTHER AMEND § 36-5-901(e) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language "or recorded" after the word "filed".

AND FURTHER AMEND § 36-5-902(a) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the punctuation and language ", filing" after the word "recording" in the first sentence.

AND FURTHER AMEND by deleting § 36-5-905(c)(2), of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1, in its entirety and by substituting instead the following:

(2) If the assets of the obligor are known by the person or entity which received such administrative order to be subject to any orders of the United States Bankruptcy Court, or to any attachment, execution or existing lien, said person or entity shall, within ten (10) days after receipt of the administrative order, notify the department at the address contained in the order. With respect to deposit accounts of the obligor, the depository financial institution shall inform the department of the unencumbered balances of such accounts.

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AND FURTHER AMEND § 36-5-905(g), of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by inserting the words “or attempted compliance in good faith with such order” between the language “such order” and the period (.).

AND FURTHER AMEND § 36-5-906(a)(1) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Wearing apparel, school books and family bible. Such items of wearing apparel and such school books as are necessary for the obligor or for members of the obligor’s family, and the family bible or other book containing the family’s religious beliefs;

AND FURTHER AMEND § 36-5-907(b) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “or recording” after the word “filing”.

AND FURTHER AMEND § 36-5-907(c) of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following sentence:

If a facsimile transmission is utilized pursuant to this subsection, it shall be supplemented by a copy of suitable quality if such facsimile’s quality is not adequate for purposes of recording by the register or other appropriate official.

AND FURTHER AMEND § 36-5-910(4), of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by inserting the language and punctuation “securities broker/dealer,” immediately following the language and punctuation “mutual fund,”.

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AND FURTHER AMEND § 36-5-911 of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following sentence:

Nothing in this section shall be construed to require or permit the shifting of the costs for provision of computer terminal hardware or software pursuant to § 36-5-901(b)(3) from the state of Tennessee to any local government.

AND FURTHER AMEND subsection (c) of SECTION 13 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “or any financial institution’s contractor which may process any records pursuant to this section” after the language “financial institution”.

AND FURTHER AMEND § 45-10-___(e)(4) of SECTION 13 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by inserting the language and punctuation “securities broker/dealer,” immediately following the language and punctuation “mutual fund,”.

AND FURTHER AMEND § 45-10-___, of SECTION 13 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by adding the following new subsection (g):

(g) For the production of financial information or financial records, other than those specifically provided in the data match provisions of this act by contract with the financial institution, the department shall pay a reasonable fee not to exceed the actual cost to the financial institution for researching or producing financial records. A reasonable fee shall be deemed to be the lesser of the financial institution’s ordinary and customary fees for producing customer records or the fees established by the Federal Reserve Board for the production of records.

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AND FURTHER AMEND § 45-__-__. (a) of SECTION 14 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by adding at the end of subsection (a) the following sentence:

In drafting such agreements, the department of human services shall consult with a representative number of financial institutions and shall avoid the imposition of requirements that are not reasonably compatible with the data processing and recordkeeping systems generally utilized by financial institutions.

AND FURTHER AMEND § 45-__-__. (c) of SECTION 14 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by deleting subsection (c) in its entirety and by substituting instead the following:

(c) When an administrative order is issued by the department of human services pursuant to any provisions of law or regulations or pursuant to agreements entered pursuant to subsections (a) or (b) directing the encumbrance, escrow, seizure or surrender of assets of an obligor consisting of a demand deposit account, or an account accessible by a checking or negotiable order of withdrawal for the purpose of satisfying a lien for past-due child support, the department may direct that only a portion of such accounts, up to the amount necessary to satisfy the existing lien for past-due child support, be encumbered, escrowed, seized or surrendered. If less than the whole amount of the account is sought, the department's order shall direct the financial institution to withhold a specific percentage or a specific dollar amount of those types of accounts.

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AND FURTHER AMEND § 45-__-__. (d) of SECTION 14 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by deleting in subsection (d) the word “may” and by substituting instead the word “shall”.

AND FURTHER AMEND § 45-__-__. of SECTION 14 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by deleting subsections (e) and (f) in their entirety and by substituting instead the following:

(e) For purpose of this part, the following terms shall have the following meanings unless the context otherwise requires:

(1) “Financial institution” shall mean:

(A) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(B) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u);

(C) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including for the purposes of Sections 11 and 12 of this act an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(D) Any benefit association, insurance company, safe deposit company, money-market mutual fund, securities broker/dealer or similar entity authorized to conduct business in this State.

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(2) "Account" shall mean a demand deposit account, account accessible by checking or negotiable orders of withdrawal, savings account, time deposit account, or money-market mutual fund account.

AND FURTHER AMEND SECTION 14 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting "45-__-__. Immunity for provision of financial information." in its entirety and by substituting instead the following:

45-__-__ Immunity for provision of financial information.

(a) A financial institution, as defined in "Section 45-__-__. Operating agreements for data match systems." subsection (e), or any financial institution's contractor which may process any records pursuant to this chapter, shall be absolutely immune from any civil or criminal liability under common law or under any contract, statute or regulation for:

(1) the disclosure of any information pursuant to this part, for the escrow, encumbrance, seizure or surrender of any assets held by the financial institution in response to a notice of lien or levy issued by any State child support enforcement agency or its contractors or agents, or for any action taken in good faith to comply with the requirements of this part;

(2) subject to subsection (b) hereof, any erroneous disclosure, encumbrance, seizure or surrender made in a good-faith effort to comply with the requirements of this part;

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(3) subject to subsection (b) hereof, any good-faith failure to effect, or good-faith delay in effecting, a disclosure, encumbrance, seizure or surrender in compliance with the requirements of this part, if such failure or delay results from an error or from events beyond the control of the financial institution.

(b) Subdivisions (a)(2) and (3) shall apply to erroneous acts or failures to act only if the error from which the act or failure results is an unintentional bona fide error, including but not limited to a clerical or computer malfunction or programming error. In the event of an erroneous act under subdivision (a)(2) or an erroneous or other failure to act under subdivision (a)(3), the financial institution shall, upon discovery thereof, exercise such diligence as the circumstances require.

AND FURTHER AMEND § 36-5-1201 of SECTION 15 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the word and punctuation “and,” at the end of subdivision (e)(2).

AND FURTHER AMEND SECTION 17 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following punctuation and language immediately after the language “in the records of the clerk of court” in the first sentence in subdivision (b)(1)(B):

, if the support is paid through the clerk’s office,

AND FURTHER AMEND § 36-5-501(d) of SECTION 17 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language “and the employer” immediately after the language “notify the obligor”.

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AND FURTHER AMEND § 36-5-501(l) of SECTION 17 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following after the first sentence:

The notices and orders required by this section need not be entered in the minutes of the court.

AND FURTHER AMEND § 36-5-501(n) of SECTION 17 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this subsection, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the chief justice of the supreme court, a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives.

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AND FURTHER AMEND SECTION 19 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivisions (B)(i) through (iv) in their entireties and by substituting instead the following:

(B)(i) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

(I) Full name and any change in name;

(II) Social security number and date and place of birth;

(III) Residential and mailing addresses;

(IV) Home telephone numbers;

(V) Driver's license number;

(VI) The name, address, and telephone number of the person's employer;

and,

(VII) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(ii) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (B)(i) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the

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requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(iii) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (B)(i) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(iv) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND SECTION 20 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivisions (b)(4)(C) through (F) in their entireties and by substituting instead the following:

(C) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if

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the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

- (i) Full name and any change in name;
- (ii) Social security number and date and place of birth;
- (iii) Residential and mailing addresses;
- (iv) Home telephone numbers;
- (v) Driver's license number;
- (vi) The name, address, and telephone number of the person's employer;

and,

- (vii) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(D) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (4)(C) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(E) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as

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required in (4)(C) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(F) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND SECTION 29 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting § 36-5-1302 in its entirety and by substituting instead the following:

36-5-1302. Inclusion of social security numbers in certain records.

Notwithstanding any other provision of the law to the contrary, the social security number of any individual who is subject to a divorce decree, order of support issued by any court, any order of paternity or legitimation, or any voluntary acknowledgment of paternity shall be placed in the records relating to such matter.

AND FURTHER AMEND SECTION 38 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following language after the first sentence in subdivision (c)(3):

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If an individual seeking to rescind an acknowledgment completes an affidavit of indigency which accompanies the recission form, the fee shall be waived.

AND FURTHER AMEND SECTION 38 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivision (e)(3) in its entirety and by substituting instead the following:

(3) The test results certified under oath by an authorized representative of an accredited laboratory shall be filed with the court and shall be admissible on the issue of paternity pursuant to § 24-7-112(b). If the acknowledged father is found to be excluded by the tests, an action seeking support shall be dismissed or the acknowledgment of paternity shall be rescinded, as appropriate. If the test results show a statistical probability of ninety-five percent (95%) or greater, a rebuttable presumption of paternity shall be established and the issue of paternity shall be tried before the court without a jury. If the test results show a probability of paternity of ninety-nine percent (99%) or greater, the acknowledgment of paternity will become conclusive and no further action shall be necessary to establish paternity unless a motion asserting the defenses of § 24-7-112(b)(2)(C) is successfully brought.

AND FURTHER AMEND SECTION 44 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language and punctuation “any counties, county officials, the clerks of any court,” immediately after the language “agents or contractors”.

AND FURTHER AMEND SECTION 46 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting the word and punctuation “parties.” in subdivision

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(a)(1)(A)(ii) and by substituting instead the language and punctuation “parties; or” and by adding the following new subdivision (a)(1)(A)(iii):

(iii) Denying paternity.

AND FURTHER AMEND by deleting SECTION 47 of the amendatory language of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

SECTION 47. Tennessee Code Annotated, Section 24-7-112(b) is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Upon receiving the results of the tests and comparisons conducted pursuant to subsection (a), the court shall proceed as follows:

(1)(A) Either party may request an additional parentage test upon the advanced payment of the costs of the additional parentage test. If the additional tests are requested by the department of human services its contractors or any state agency, the costs of such additional tests shall be paid for upon being billed for such by the testing agent and may be recovered by those entities in any parentage proceeding from the person established as parent of the child.

(B)(i) If the results of the first test exclude paternity and the second test also exclude paternity, or, if the initial test results are negative on the issue of paternity establishment and no second test is requested, this shall be conclusive evidence of non-paternity and the action shall be dismissed.

(ii) If the results of the first test establish paternity and the second test again establishes a positive statistical probability of parentage as described in

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subdivisions (2)(B) or (C), the positive test results with the greater positive probability of parentage shall be definitive for purposes of the application of the appropriate evidentiary standards relative to the presumptions and the defenses available in subdivision (2).

(iii) If the results of the second test are different from the first test in their outcome relative to the exclusion or establishment of paternity, the court, or the department in appropriate cases, may order a third test, or the court may make a determination between the accuracy of the previous two (2) tests for purposes of determining paternity.

(C) The results of any tests which may exclude a person as the father shall not preclude the initiation of a new paternity action involving another putative father or by a putative father against a mother to establish his paternity.

(2)(A) In any proceeding where the paternity of an individual is at issue, the written report of blood, genetic, or DNA test results by the testing agent concerning the paternity is admissible without the need for any foundation testimony or other proof of the authenticity or accuracy of the test unless a written objection is filed with the court and served upon all parties thirty (30) days prior to the date of the hearing. For purposes of this section, service shall be deemed made upon the date of mailing.

(B) A rebuttable presumption of the paternity of an individual is established by blood, genetic, or DNA testing showing a statistical probability of

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paternity of that individual at ninety-five percent (95%) or greater. In such event, the case shall be tried before the court without a jury regarding the issue of paternity without the evidentiary limitations of subdivision (2)(C).

(C) When the results of blood, genetic or DNA tests show a statistical probability that a man is the father of the child in question by a statistical probability of ninety-nine percent (99%) or greater, the putative father may only attempt to rebut his paternity of the child by filing a motion with the tribunal and establishing upon clear and convincing evidence one or more of only the following circumstances:

(i) the putative father had undergone a medical sterilization procedure prior to the probable period of conception, or other medical evidence demonstrates that he was medically incapable of conceiving a child during the probable period of conception;

(ii) that the putative father had no access to the child's mother during the probable period of conception;

(iii) that the putative father has, or had, an identical twin who had sexual relations with the child's mother during the probable period of conception; or

(iv) the putative father presents evidence in the form of an affidavit that another man has engaged in sexual relations with the mother of the child in question during the period of probable conception. In this case, the court shall order genetic testing of that other man in conformity with this section. The results

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of that genetic test must indicate that the other man has a statistical probability of paternity of ninety-five percent (95%) or greater to establish an effective defense pursuant to this subdivision.

(D)(i) If, after test results showing a statistical probability of ninety-nine percent (99%) or greater, the putative father is able to show by clear and convincing evidence to the court that one of the enumerated defenses in subdivision (2)(C) is present, the matter shall be set for trial before the court without a jury.

(ii) If the putative father does not raise one of the enumerated defenses in subdivision (2)(C) or does not establish by clear and convincing evidence that one of the enumerated defenses in subdivision (2)(C) is present after test results showing a statistical probability of paternity of ninety-nine percent (99%) or greater, the court shall, upon motion by the other party, establish that individual as the father of the child in question, and shall order child support as required by the provisions of Title 36, Chapter 5.

(E) An affidavit documenting the chain of custody of any specimen used in any test pursuant to this section is admissible to establish the chain of custody.

(3) All costs relative to the tests and comparisons under this section shall be paid initially by the party requesting such tests with the final allocation of costs awaiting the outcome of the proceedings at which time the court shall determine the proper allocation of costs. Costs for initial tests requested by the department

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of human services or its contractors or any other state agency shall be paid by those entities with the costs to be recovered in any parentage proceeding from the person established as parent of the child.

AND FURTHER AMEND subdivision (d)(2) of SECTION 62 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the language "or to any other clerk to whom the clerk of the court has opted to have the collection of support conducted" immediately after the language "clerk of the court".

AND FURTHER AMEND SECTION 72 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by deleting subdivisions (3)(A) through (D) in their entireties and by substituting instead the following:

(3)(A) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

- (i) Full name and any change in name;
- (ii) Social security number and date and place of birth;
- (iii) Residential and mailing addresses;
- (iv) Home telephone numbers;
- (v) Driver's license number;

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(vi) The name, address, and telephone number of the person's employer;
and,

(vii) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(D) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (3)(A) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect of failure to comply. Such requirement may be noted in the order of the court.

(E) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (3)(A) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(F) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of

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such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND by deleting SECTION 97 of the amendatory language of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following language:

SECTION 97. Tennessee Code Annotated, Section 36-5-101(a)(5) is amended by deleting the language "If the full amount of child support is not paid by the fifth day of the month following the month in which the ordered support is due" in the third sentence and by substituting instead the language "If the full amount of child support is not paid by the date upon which the ordered support is due".

AND FURTHER AMEND SECTION 99 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following new subsection (d):

(d) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this section, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the chief justice of the supreme court, a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules

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are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives, nor shall the requirement of this subsection be construed to supersede any requirements of subsection (c).

AND FURTHER AMEND by deleting the last sentence of Section 101 of the amendatory language of Senate Judiciary Committee Amendment No. 1 and by substituting instead the following:

Section 99, Section 100 and Section 101 of this act shall become effective upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by adding the following as a new Section 100 in the amendatory language of Senate Judiciary Committee Amendment No. 1 and appropriately re-numbering subsequent Sections:

SECTION 100. Title 36, Chapter 5, Part 1 is amended by adding the following as a new section:

36-5-1____. Court clerks coordinating council; approval of plan for collections and disbursements; contract for collection and distribution of support by clerks --

(a)(1) There shall be created a court clerks child support coordinating council, the purposes of which shall be:

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(A) to study the impact of the provisions of Section 312 of Title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 654B(a)(3)) as it affects the collection and distribution of child support by the clerks of court in order to determine the most appropriate manner by which the clerks may continue their role in the collection and distribution of child support in compliance with 42 U.S.C. 654B and any implementing regulations, and;

(B) to propose solutions for the purposes of subdivision (1)(A) and to implement any suitable arrangement for the continuance of such role as provided herein.

(b) The council shall consist of a juvenile court clerk, a clerk and master, and a circuit court clerk who are appointed by the president of the State Court Clerks Conference; a representative of the Tennessee Bankers Association; a representative of the Tennessee Association of Business; the comptroller of the treasury or designee; the director of the Administrative Office of the Courts, or designee; and the commissioner of the department of human services, or designee.

(c) All members of the council shall serve without compensation, but shall be reimbursed by the state court clerks conference for travel, meals and lodging at the same rates approved for state travel by the commissioner of finance and administration and approved by the attorney general and reporter.

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(d)(1) If a plan for the continued involvement of the court clerks in the collection and distribution of child support pursuant to the provisions of 42 U.S.C. 654B is approved by the United States Department of Health and Human Services, the court clerks conference may contract with a single court clerk, a group of clerks or with one or more financial institutions to establish procedures for the collection and distribution of child and spousal support and to provide one central location to which employers shall transmit income withholding of child or spousal support obligations, whether by electronic funds transfer or otherwise, pursuant to 42 U.S.C. 654B.

(2) Clerks' fees permitted by statute for the collection of support pursuant to such contract may be apportioned by the state court clerks conference among the members of the conference who elect to participate in such contract.

(e) The contract terms shall be approved by the coordinating council and by the attorney general and reporter, and shall require that the contractor operate the collection and distribution of child or spousal support under all applicable provisions Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) and its implementing regulations and pursuant to any requirements of state law or regulations relative to the collection or distribution of support.

(f) The costs of such a contract and the costs associated with developing, implementing, and operating the central payment location or locations, including, but not limited to any modifications to any computer systems operated by the court clerks or by

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the department of human services or any agency of the state and all costs of conversion of data, shall be paid by the court clerks. All liability pursuant to the contract shall be assumed by the state court clerks conference. The state of Tennessee and its agencies, officers and employees shall have no liability under such contract.

(g) All provisions which relate to the confidentiality of child support records pursuant to any provision of state or federal law or regulation shall apply to the records in the control and possession of the contractor.

(h)(1) The plan for operation of the disbursement unit must be approved by the United States Department of Health and Human Services at least nine (9) months prior to the required Federal implementation date or any extensions of such date.

(2) If approval is received, the disbursement unit process as authorized by this section must be operational no later than the required Federal implementation date.

AND FURTHER AMEND SECTION 10 of the amendatory language of Senate Judiciary Committee Amendment No. 1 by adding the following new subsection (b):

(b) Notwithstanding any other provisions of this section, information which is required to be provided to the department of human services, its contractors or agent by the department of employment security shall not be further disclosed or utilized except to the extent permitted and for the purposes allowable pursuant to § 50-7-701 or under applicable federal or state law or regulations.

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